

THEODORE ROOSEVELT TELLING SENATOR RAINES AND THE COMMITTEE WHAT HE THINKS OF THE EXCISE LAW.



PRESIDENT ROOSEVELT IN FAVOR OF A GERMAN SUNDAY

Thinks Bona Fide Clubs and Families Should Have Privileges.

Chief Conlin Says the Police Are Not to Blame, but That "Fake Hotels" Cause the Trouble.

Father Doyle Asserts That There Is More Sunday Drunkenness, More Pauperism Than Ever.

WHAT THE WORD "MEAL" MEANS.

This, and a Distinct Understanding as to What Constitutes "Hotels" and "Guests" Urged—All Witnesses to Submit Amendments.

The Senate Investigating Committee's second day's work in studying the operation of the Raines Law in New York presented these interesting features:

1. Theodore Roosevelt and Senator Raines met without any unusual display of pugnacious activity, and the president of the Police Board made two promises. One was that he would prove that a great number of places sell liquor without State licenses, and the other was that he would submit an amendment to the Raines Law that would permit something like the "German Sunday."

2. Chief of Police Conlin declared that the Raines law practically nullified the intended effect of the law.

3. The Rev. Father Alexander P. Doyle said that there were more cases of Sunday drunkenness, more pauperism and other ill effects from the liquor traffic than ever.

The meeting of Senator Raines and Mr. Roosevelt took place in the afternoon session. It was expected the two might lock horns over the question of the number of unlicensed places selling liquor in this city. The result, however, was disappointing, for the Senator and the Police Commissioner shook hands cordially when Mr. Roosevelt took the witness chair. He affirmed to the truth.

"When you took your position, what did you find the condition of affairs?" asked Mr. Raines.

How Things Used to Be.

"I found," replied Mr. Roosevelt, "that the law was enforced partially, and I had reason to believe, corruptly. Complaints were continually made that while a saloon on one corner did business on Sunday, the saloon on the opposite corner had a policeman stationed at the door. The complaints were generally from saloon keepers who had voted the Republican or the reform ticket, whose Tammany rival was permitted to keep open. I saw the Chief, and I told him that the law must be enforced impartially."

"What has been your observation of the new law?"

"It made a distinct improvement the first month. Then, after a few decisions in court, there was a very determined sagging back. It has not gone back to what it was before we commenced to enforce the old law, however."

"To what do you attribute this going back?" inquired the Senator.

"It is partly due to defects in the law and to the actions of juries, more especially than magistrates. Juries refuse to convict."

"What are the defects in the law?" asked Senator Raines.

"I should think," and the Commissioner paused—"I should think the word 'meal' should be defined so that it could not be an egg or a sandwich. I may say here that the construction I would have put on 'a meal' is not the same placed on it by juries and courts. I would also define the word 'guests' and the word 'hotel.'"

Mr. Roosevelt also thought that the police should have peculiar powers in the way of visiting the hotels, and that the rooms should be regulated in size.

The Commissioner then cited cases where officers had arrested on what to him was conclusive evidence that the law was being violated, and told of the refusal of the Magistrate to hold and the juries to indict.

Police Ordered to Go Slow.

"Now," said he, "I have issued orders to make no arrests except on iron clad evidence, because it is no use."

Mr. Roosevelt caused a laugh by citing the case of a saloon keeper who had only nine rooms and was discharged by Magistrate Plummer because he intended to furnish another one.

The fact that the present hotel law was the same as the old hotel law was gone into, and Senator Raines wanted to know why it was so difficult to enforce.

"Because they have now gone into the hotel business," was the reply.

"That is," said the Senator, "those who formerly kept open on Sunday and sold are now running hotels."

"Those who tried to sell," corrected Mr. Roosevelt, "prior to the time I came the practice was general."

"The suggestion as to what constitutes a meal, hotel and a guest you consider important?" asked the Senator.

"Yes," replied the president. "But there are two admirable provisions in the law. The one requiring saloon keepers to throw everything open to view and the high license. They are excellent. In my belief the juries have a hesitancy to convict in view of the penalties. Now, mind you, I do not wish to see penalties too light, as they were before, where the profits of one day's violation would pay a fine."

The president was asked to formulate the special points and submit them to the committee, and was asked about boxes in saloons.

"There are many complaints about them," said he, "and they are not conducive to either decency or morality."

Senator Ford—What excuse is there for their existence?

Mr. Roosevelt—I think they would be all right if the parties were to pay a fine. There, because many people desiring to eat or drink want privacy.

Differences in Clubs.

He was then asked about clubs. "When the law was passed," said he, "we thought it applied to all clubs and started to enforce it. Then came the decision of the Corporation Counsel, after the decision in the Albany club case. We brought up

reform ticket, whose Tammany rival was permitted to keep open. I saw the Chief, and I told him that the law must be enforced impartially."

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club after club. One of the worst was raided in the Fourth Precinct, everybody, male and female, in different stages of sobriety, none of them bigoted in regard to it, and they were thrown out of the courts."

"I wish to ask you," said Senator Raines, "if your first idea was that all clubs were to be taken in under the law?"

"It was," replied the witness.

"I may state," said the Senator, slowly, "that it was also ours."

The president told how his own popularity was increased among his fellow club members by his avowed intention to enforce the law against clubs, and said he thought bona fide clubs should not be bothered.

"Are you still of that opinion?" asked Senator Higgins in alarm.

"Yes," said the president. "I believe—that is to say, my personal view is that where there is a bona fide club it should not be disturbed. Under the decisions I do not see how we can do so."

"Is it," inquired Senator Raines, "that you consider a club a part of a man's home—the same as the hotel is the travellers home—that you would not disturb them?"

"Exactly," was the reply.

Senator Foley, the lone Democrat of the committee, then asked:

"Aside from everything do you think that one-third of the revenue of the city from this source should be turned over to the State?"

"For the first time the city is getting something back from their share of the State tax," interjected Senator Raines.

"Then why not leave it here? Why take it? We can take care of it," said Senator Foley.

Mr. Roosevelt begged to be excused from answering financial questions about the law.

Selling Without Licenses.

"Now Mr. Commissioner," and Senator Raines looked at Roosevelt, sharply, "suppose you have found people who sell without a license?"

"Yes," was the emphatic answer.

"They did so under the old law?"

"They did,"

"Well," continued Mr. Raines, "there are 42,763 places in the State that have taken out Government certificates and 34,785 that have paid the State tax, leaving 8,000 places without State certificates. Since the matter came up you have given the same consideration and will in time be able to find out where these places are. You have stated in the papers—"

"I have stated nothing in papers," Mr. Roosevelt broke in, "but will stand by whatever is in the papers. The places referred to are drug stores, and I have set on foot an inquiry as to where the United States certificates are located that have no State tax certificates."

"Before you make any statement," said Senator Raines, lowering his voice, "you investigate, and if you will give us the result of your investigation."

"I will certainly give you the result," said Mr. Roosevelt, and then Senator Raines promised to co-operate with the Police Department and give it any evidence secured by the committee.

The question of granting of licenses was taken up and the president made the same suggestions about referring applications to the Police Department that had been made earlier in the day by Chief Conlin. He also advised the calling before the board of Captains Groo and Smith.

Scored Mr. Fitch.

Mr. Roosevelt scored Comptroller Fitch because the department could not get money for the "spy" system, and said they had met with every obstacle from the Comptroller.

Senator Higgins—Do these juries who refuse to convict represent the average intelligence of New York citizens?

Mr. Roosevelt—I think they do. My ex-

perience for the last nineteen months has been to give me an abhorrence of the misguided sympathizer with the wrongdoer.

The question of the sentiment against Sunday closing was discussed and the fact brought out that some of the clergy had been in favor of Sunday openings, which made it difficult to enforce the law, Mr. Roosevelt remarking that the people will not unite against the liquor traffic. The question of disorderly houses and their relation to the liquor business was gone into and something said about blackmail.

Mr. Roosevelt said:

"Among 4,000 theological students you would find a bad egg. The 4,000 New York policemen are not even theological students, but we have broken the old connecting link between the policeman and the saloon keeper. The political power has been broken."

"Consolidated," interpolated Senator Foley, and Mr. Roosevelt replied:

The law has taken the saloon out of politics, done away with its political corruption and rendered the task of the police easier. In the other hand, it has given to the men in the liquor trade—owing to the action of the courts and the conduct of juries—the right to sell on Sunday, and it is complained to me that the Sundays are not as quiet as they were under the old law, when we were enforcing it impartially. It has granted licenses to bad characters, but, taking everything into consideration, I would rather have the present law than the old law. There is a decrease in drunkenness, but everybody knows a hard-boiled egg is not a regular meal of a healthy man."

I would welcome any provision of the law that will allow of some hours when a man can take his wife and children out on Sunday and sit down to a meal at some reputable resort.

"Would the beer garden in America be any different from the beer garden in Europe?" asked Senator Higgins.

"Yes," because not all Germans in this country, and we could not open a beer garden simply for Germans."

Mr. Commissioner, could you draw a bill or a clause or provision that would permit a man to enjoy himself with his family?" asked Senator Higgins.

"I can try," said the Commissioner.

"I'm afraid it might be another case of a sandwich is a meal," said Senator Raines.

"Would a provision of the law giving restaurants the privilege answer?" asked Senator Raines.

"Every saloon would be a restaurant in five minutes," said the Commissioner, laughing.

The hearing closed, President Roosevelt promising to try and draw a bill that will give New Yorkers a continental Sunday, and do away with the "Raines Law" hotel.

The Morning Session.

The morning session was opened with the examination of Chief of Police Peter Conlin. The Chief said that he considered the provisions of the new law requiring the bars of the liquor stores to be exposed an improvement over the old law as it facilitated the work of the police. He also thought the high license was an improvement. When asked if he had anything to suggest that might further improve the law the Chief said:

"I would suggest doing away with the boxes in saloons. They have done more to injure the cause of morality than anything."

Have You Got the Price?

Every man and his neighbor, every one who needs clothing is interested in the following: Kid the well-known clothing, cor. Broadway and Park place offers for to-day and to-morrow new lots of Men's Overcoats made of imported Kersey, blue, black, brown and oxford, many silk and satin lined, for \$6.80; valued at \$18. Don't get left. Come at once. H. & M. King, corner Broadway and Park place, opposite the Post Office.—Advt.

I know of. Many of them have no knobs and can be opened only from the inside."

The Chief explained that under the former excise law the saloons were open and doing business as such, but that since the Raines law had gone into force a large number of former saloons were running under the guise of hotels. His officers had made countless complaints of the "fake" hotels.

"Have you prepared a list of those places you consider violations of the law?" asked Mr. Raines.

"Yes, sir," replied the Chief, who then explained that his subpoena coming so suddenly, had given him time to make only a partial list of places. The witness then read the record in the case of Peter Helman, arrested at No. 500 Sixth avenue, for running a hotel with only five rooms after having sold two sandwiches and two glasses of beer. The prisoner was discharged by Magistrate Kudlich, indicted by the Grand Jury and acquitted in Judge Newburger's court before a jury.

The Chief then told of Steve Brodie's hotel. Brodie, the Chief stated, had ten rooms made from one room, and one room was only a coal box. He was arrested and discharged by Magistrate Plummer, and the case is pending before the Grand Jury.

"Those cases were in your judgment," asked Mr. Raines, "clear violations of the law?"

"I believe they were."

Where Is the Blame?

"The difficulty lies, then, with the committing Magistrate the Grand or petit juries, does it not?" asked Senator Raines.

"The police did their duty," replied Conlin.

Chief Conlin said he had some suggestions looking to amendments of the law which he would submit later. The difficulty in securing convictions, he said, arose from the manner in which the witnesses had interpreted the meaning of the word "guest" and what constituted a "meal."

"Do you know of cases where prisoners were discharged when no meal was ordered and when the sandwich was not touched?" asked Senator Raines.

"A great many," was the reply. The Chief added that he would recommend that all applications for licenses be referred to the Chief of Police, giving as his reason that many persons who were not felons ran very tough resorts.

He denied that the Raines law hotels were as a rule used by disorderly persons, but admitted that some were. The witness thought that the whole building should be used for hotel or business purposes and that the renting of flats above saloons for hotel purposes should be legislated against. He added:

I think there are more places selling liquor on Sunday now, than under the old law.

When asked to what extent the number of hotels had increased the Chief said the total number of hotels now was 2,378, of this number 2,105 were fake hotels and 273 bona fide hotels.

Lyman Helping Raines.

Syracuse, N. Y., Dec. 1.—With a view of ascertaining the actual condition of affairs in the different sections of the State and to furnish facts and figures to the Senate Investigating Committee, Excise Commissioner Lyman has deputies at work in the internal revenue offices inspecting the records and making a comparison with those in the offices of the different county treasurers. These offices of these inspectors are at work in the internal revenue office in this city, looking over the affairs of the Twenty-first Internal Revenue District, which includes this section of the State and contains twenty counties.

Dr. D. Jayne's Expectant certainly does go directly to the root of all throat and lung troubles. There is abundant evidence of this in its sixty-two years' record of cures.—Advt.



A BIT EXCITED



VERY APT TO GET



HE IS



HE STARTS BUT



OUR POLICE COMMISSIONER IS QUIET WHEN

